

First Named Inventor	Peng Li	COMMUNICATION REGARDING PETITION TO RECONSIDER REVIVAL OF UNINTENTIONALLY ABANDONED PATENT
Serial No.	09/894,244	
Filing Date	June 27, 2001	
U.S. Patent No.	6,799,144	
Issue Date	September 28, 2004	
Attorney Docket No.	0002USC1	
Title: METHOD AND APPARATUS FOR ANALYZING MEASUREMENTS		

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Petitioner respectfully requests reconsideration of revival of the above-identified patent (U.S. Patent No. 6,799,144) under 37 CFR 1.17(f) and 37 CFR 1.137(b). Petitioner has included revised Forms SB0096 chains of title signed by the Petitioner and J. Stephen Schmidt and revised Form SB0066 petitions to revive signed by the Petitioner and J. Stephen Schmidt, the present revised explanation of the basis of petition, and a fee payment for the outstanding amount of \$890 (including a \$400 petition fee under 37 CFR 1.17(f) and the remaining \$490 of the \$1640 petition fee under 37 CFR 1.137(b)) as requested by the Examiner.

On August 9, 2010, Petitioner respectfully requested revival of the above-identified patent (U.S. Patent No. 6,799,144) under 37 CFR 1.137(b). This revival was dismissed on February 14, 2011 by Examiner Ramesh Krishnamurthy due to lack of correct chain of title from the inventors to the Petitioner and because of insufficient large entity maintenance fee payment. The Examiner further questioned whether the person signing the petition on behalf of Gigamax Technologies, Inc. had direct knowledge of the reasons for the unintentional delay.

Upon contacting the Examiner regarding the refusal, the Petitioner noted the inadvertent error in the submitted chain of title that was due to errors in our hard copy file. Petitioner apologizes for this inadvertent oversight and has included a corrected

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**PETITION TO REVIVE PATENT**

PAGE 2

U.S. Patent No. 6,799,144

Applicant Docket No. 0002USC1

Title: METHOD AND APPARATUS FOR ANALYZING MEASUREMENTS

chain of title herewith that is consistent with the USPTO assignment recordation database. The Examiner further requested that, in addition to the present petitioner, the assignee of the patent at the time of abandonment, J. Stephen Schmidt, sign the petition to revive to address the question of direct knowledge of the facts and circumstances regarding the unintentional delay. Petitioner has contacted J. Stephen Schmidt and submits herewith dual Forms SB0096 chains of title signed by the Petitioner and Mr. Schmidt and dual Form SB0066 petitions to revive signed by the Petitioner and Mr. Schmidt to be utilized by the Examiner. In addition, Petitioner notes that the present communication is also signed by both the Petitioner and Mr. Schmidt.

As stated previously, Petitioner, Gigamax Technologies, Inc., is successor in title to the Present Patent having purchased the assets from the creditor (J. Stephen Schmidt) of the previous Assignee, Wavecrest Corp., which became insolvent and closed for business on July 29, 2008. Founding members of Gigamax Technologies, Inc. include previous employees and key personnel of Wavecrest Corp. and as such had direct knowledge of the pertinent events. These events and various supporting documents were related to the undersigned attorney, Andrew C. Walseth, during preparation of the present petition.

In addition, upon reviewing the original petition of August 9, 2010 Petitioner believes a proper claim of small entity status and small entity 3.5 year maintenance fee of \$490 (and \$65 surcharge) were submitted in the original petition. In addition, the Petitioner has also herewith included a claim of small entity status for the previous assignee, J. Stephen Schmidt. However, if the Examiner has determined that a large entity maintenance fee is required, the Petitioner has included an updated Form PTO-2038 herewith for the above noted \$890 in fees (\$400 for petition to reconsider and \$490 for the missing portion of the large entity maintenance fee).

As noted, the present Patent is one of several applications and patents that became abandoned for lack of responses and maintenance fees after this period. As asserted in the attached claim of small entity status, the Petitioner, Gigamax Technologies, Inc. is a small start-up company. Gigamax Technologies, Inc. only recently completed purchase of, and clear title to, the assets of Wavecrest Corp. after entering to a conditional purchase agreement on March 3, 2009. Gigamax Technologies has been involved in

**PETITION TO REVIVE PATENT**

PAGE 3

U.S. Patent No. 6,799,144

Applicant Docket No. 0002USC1

Title: METHOD AND APPARATUS FOR ANALYZING MEASUREMENTS

organizing the company, securing start-up funding and inventorying assets with limited access to personnel and funds. Gigamax Technologies, Inc. only recently became aware of the applications and patents that became abandoned and is now responding in attempt to revive after gaining title to them.

As stated previously, Petitioner asserts that J. Stephen Schmidt and the Petitioner unintentionally failed to pay the maintenance fee due March 28, 2008 and the patent subsequently became abandoned on September 28, 2008. Petitioner has previously submitted a Small Entity 3.5 Year Maintenance Fee Payment of \$490 and the \$65 surcharge fee. A Petition fee of \$1640.00 as set forth under 37 C.F.R. 1.20(i)(2) was also submitted. Should the Examiner determine that a large entity fee is in fact due, the remaining \$590 is included herewith along with the petition to reconsider and required \$400 petition fee. Petitioner and previous assignee, J. Stephen Schmidt, continue to assert that the entire delay in submission of the required Maintenance Fee from the due date until the filing of these petitions was unintentional. As the application that resulted in this patent was filed after June 8, 1995, Petitioner believes that a Terminal Disclaimer is not required for this application.

Petitioner respectfully requests reconsideration and that the petition for revival of the unintentionally abandoned patent, U.S. Pat. No. 6,799,144, be granted.

**PETITION TO REVIVE PATENT****PAGE 4**

U.S. Patent No. 6,799,144

Applicant Docket No. 0002USC1

Title: METHOD AND APPARATUS FOR ANALYZING MEASUREMENTS

If the Examiner has any questions or additional issues that the Petitioner may be able to address regarding this petition please feel free to contact the undersigned at 651-336-8307 or by email at [awalseth@gigamaxtech.com](mailto:awalseth@gigamaxtech.com).

Respectfully submitted,

Date:

4/11/2011

J. Stephen Schmidt



Date:

4/11/2011

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